

R E M A R K S

Claims 1-6, 8, 9, 11, 12, and 20-35 are pending. No new matter has been added by way of the present amendments. For instance, claims 1, 2, 9 and 22 have been amended to use SEQ ID NO:8 as a reference point rather than SEQ ID NO:4. New claims 23-35 are the same as claims 1-6, 8, 9, 11, 12 and 20-22, respectively, except these new claims use SEQ ID NO:4 as a reference point and the specific amino acid residue positions referenced are increased by one. This will be explained below:

The use of SEQ ID NO:4 as a reference point may be slightly confusing since the amino acid residue locations referenced in the pending (now amended) claims and several dependent claims was technically incorrect. For instance, three specific locations are referenced in the various claims. These locations are position 64 (sometimes also referred to as position 1 preceding the chromophore), the chromophore (positions 65-67), and position 222.

However, as explained in the present specification at page 17, lines 4-15, these amino acid residue locations are shifted up by one residue number in certain examples. One of these examples gave rise to SEQ ID NO:4. That is, plasmids pEGFP-N1 (GenBank accession number U55762) and pEGFP-C1 (GenBank accession number U55763) both contain a derivative of GFP in

which one extra amino acid has been added at position two to provide a better translational start sequence (a Kozak sequence) and so the total number of amino acids is increased by one to 239 instead of the 238 found in wildtype GFP. Therefore the denomination of locations downstream of this extra amino acid in GFP from these plasmids strictly should be increased by one. This would give rise to the naming of one of the position 64 substitutions as F65L rather than F64L. However, to avoid this source of confusion and because the GFP community has adopted the numbering system of wildtype GFP in its communications, the numbers used in the specification and original claims conform to the commonly used naming of mutations in wildtype GFP. Exemplary substitutions in this respect are F64L, S65T, and E222G.

Accordingly, to maintain consistency between the amino acid position numbers used in the claims compared with the Sequence Listing, claims 1-6, 8, 9, 11, 12, and 20-22 were amended to use SEQ ID NO:8 (lacking the extra amino acid) as a reference, which corresponds to the correct number of amino acid residues. Also, a parallel set of claims (new claims 23-35) were added which use SEQ ID NO:4 as a reference point. However, in these new claims the positions referenced above, for instance, position 64, 65-67 and 222 have been increased by one to 65, 66-68 and 223 to take into consideration the one extra amino acid added at position

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two of SEQ ID NO:4. Favorable action on the merits is respectfully solicited.

Accordingly, no new matter has been added.

If the Examiner has any questions or comments, please contact Craig A. McRobbie, Reg. No. 42,874, at the offices of Birch, Stewart, Kolasch & Birch, LLP.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

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